

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 590 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

VAGADIYA JESINGBHAI KHATUBHAI

Versus

STATE OF GUJARAT

Appearance:

MR PARESH UPADHYAY for Petitioner
GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 23/03/2000

ORAL JUDGEMENT

#. Mr.Paresh Upadhyay for spetitioner Mr.Digant Joshi,
learned A.G.P. for respondent nos.1 and 2.

#. Rule. Mr.Digant Joshi, learned A.G.P. and
Mr.M.R.Shah, waives service of rule.

#. The matter is taken up for final hearing with the consent of the parties.

#. The present petition is filed by the petitioner seeking direction against the respondent authority to appoint the petitioner on the post of Vidya Sahayak. The contention raised on behalf of the respondent no.3 is that the certificate regarding the petitioner belonging to Scheduled Tribe was under doubt and therefore the respondent no.2 i.e. Director of Primary Education directed to respondent no.3 District Primary Education Officer to inquire into the matter. It is submitted by Mr.Shah that the said inquiry is over, now the authority can consider the case of the petitioner in light of the finding of the said inquiry report.

#. In view of this, the authority i.e. respondent no.3 is directed to consider the case of the petitioner for appointment in light of the finding given by the concerned Mamlatdar regarding certificate of caste issued in favour of the individual petitioner. Respondent no.3 is directed to consider and decide the case of the petitioner for the appointment to the post of Vidya Sahayak latest by 17.4.2000. The petition is partly allowed. Rule made absolute in the aforesaid terms. In case of difficulty it will be open to the petitioner to revive this petition by filing simple note. Direct Service permitted.

kks